

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14572 of David C. Barnes, as amended, pursuant to Paragraph 8207.11 (11 DCMR 3107.2) of the Zoning Regulations, for variances from the prohibition against the conversion of a structure on an alley lot to a single family dwelling where the alley is less than 30 feet in width (Sub-section 7606.3, 11 DCMR 2507.3) in an R-4 District at premises rear 340 - 11th Street, S.E., (Square 991, Lot 33).

HEARING DATE: March 18, 1987 and May 13, 1987  
DECISION DATE: June 3, 1987

FINDINGS OF FACT:

1. The application was originally scheduled for the public hearing of March 18, 1987. As preliminary matters on that date, the Board concluded that proper notice had not been given to property owners within 200 feet, and that the application needed to be reviewed by the Zoning Administrator to determine additional areas of relief which might be required. The application was amended to delete the request for a variance from the parking requirement (Sub-section 7202.1, 11 DCMR 2101.2).

2. The site, known as premises rear 340 - 11th Street, S.E., is located on an interior lot in Square 991. The square is bounded by South Carolina Avenue to the north, 12th Street to the east, 11th Street to the west and D Street to the south. The site is located in an R-4 District.

3. The site is rectangular in shape and comprises 1,035 square feet. It has a frontage of 34.50 feet along a 12 foot wide public alley which accesses the site. The north to south property lines measure 30 feet in length. A 20 foot wide public alley is adjacent to a portion of the north property line.

4. The site is improved with a two story brick carriage house built prior to May 12, 1958, the effective date of the current Zoning Regulations. On that date, the site became nonconforming. The structure occupies 630 square feet of lot area.

5. The R-4 District extends in all directions from the site. The square is improved primarily with row dwellings.

6. The applicant is seeking a variance to convert the structure to a single family dwelling where the alley is less than 30 feet in width.

7. The structure is now used as a storage facility.

8. The applicant originally proposed locating the required parking space to the east of the structure. This arrangement would not permit significant landscaping of the site and would block lower windows of the dwelling east of the subject site.

9. By memorandum dated March 9, 1987 the Office of Planning (OP) recommended approval of the application. OP reported that the structure is located on an independent nonconforming lot in the interior of the square. The structure is in need of renovation and repair. The applicant faces a practical difficulty due to the location and exceptional circumstances of the property in making use of the property compatible to the existing residential uses in the square. The proposed use is likely to have a positive effect on the area and not impact the area adversely. The Board concurs.

10. By letter dated March 11, 1987, Advisory Neighborhood Commission (ANC) 6B reported that it voted to oppose the application as the parking area on the east of the lot may not be available for parking, alley access "may be further compromised" and there exists "intense community sentiment with respect to concerns about density, privacy and noise ... in opposition to the proposed conversion." The Board does not concur.

11. The Capitol Hill Restoration Society (CHRS) testified in opposition to the application reporting that it believed that the parking space as originally proposed was in the front yard and required an additional area variance. CHRS reported that it was of the opinion that the applicant did not meet the requirements of Paragraph 8207.11 of the Zoning Regulations. The Board does not concur.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

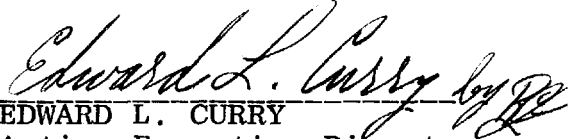
Sub-section 7602.2, (11 DCMR 2507.2) of the Zoning Regulations states in pertinent part that a one-family dwelling shall not be erected or constructed on an alley lot unless the alley lot abuts an alley thirty feet or more in width. The alley providing access to the site is 12 feet in width.

The Board concludes that the applicant has met the burden of proof. The lot and the structure were created prior to the adoption of the current Zoning Regulations. The alley cannot practically be widened. The requirements of Paragraph 8207.11 (11 DCMR 3107.2) have been met.

The Board has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that the required parking space be provided inside of the existing structure.

VOTE: 5-0 (Maybelle T. Bennett, Charles R. Norris,  
William F. McIntosh, Paula L. Jewell and  
Carrie L. Thornhill to approve)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:   
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: AUG 24 1987

UNDER SUB-SECTION 3101.1 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14572order/KATE28